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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
CARLOS ASPRILLA, )  
 )  
Defendant. )

No. CR 10-0348 MHP

**~~PROPOSED~~ ORDER EXCLUDING  
TIME FROM NOVEMBER 15, 2010 TO  
JANUARY 10, 2011**

The parties appeared before the Honorable Marilyn Hall Patel on November 29, 2010 for a status conference. With the agreement of counsel for both parties and the defendant, the Court found and held as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from November 15, 2010 to January 10, 2011. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the need for defense counsel to supplement her motion to suppress.

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from November 15, 2010 to January 10, 2011, outweigh the best interest of

ORDER EXCLUDING TIME  
CR 10-0348 MHP

the public and the defendant in a speedy trial and filing of an indictment or information. 18 U.S.C. § 3161(h)(7)(A).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from November 15, 2010 to January 10, 2011, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(7)(A) & (B)(iv). In addition, the Court held that time is properly excluded during the pendency of the defendant's motion to suppress. *See* 18 U.S.C. § 3161(h)(1)(D).

IT IS SO STIPULATED.

DATED: November 29, 2010

/s/  
DEBORAH LEVINE  
Counsel for Carlos Asprilla

DATED: November 29, 2010

/s/  
BRIAN C. LEWIS  
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 1/3/2011

